

HOUSE No. 404

By Mr. Fresolo of Worcester, petition of John P. Fresolo and others relative to further regulating the retirement benefits of certain public safety employees. Public Service.

The Commonwealth of Massachusetts

PETITION OF:

John P. Fresolo
SEIU - 5000 NAGE

Joan M. Menard

In the Year Two Thousand and Five.

AN ACT FURTHER REGULATING THE RETIREMENT BENEFITS OF CERTAIN
PUBLIC SAFETY EMPLOYEES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subdivision (3) of section 21 of Chapter 32, as
2 amended by section 1 of chapter 17 of the Acts of 1997, is hereby
3 further amended by inserting after paragraph (f) the following
4 paragraph:—

5 (g) the review and analysis of information required under
6 section twenty-six A as it relates to the employees contribution
7 rate changes and benefit changes under said section 26A. Such
8 analysis shall focus on the contributions made by members and
9 the normal cost of benefit, plus any other liabilities determined by
10 the actuary to be a result of such benefit changes under said
11 section 26A. Beginning January first, two thousand and four and
12 every five years thereafter, the actuary shall forward to the respec-
13 tive system such analysis.

1 SECTION 2. Subdivision (1) of section 22 of chapter 32 of the
2 General Laws is hereby amended by striking out paragraph (b), as
3 amended by section 176 of chapter 151 of the acts of 1996, and
4 inserting in place thereof the following paragraph:—

5 (b) The treasurer or other disbursing officer in charge of payroll
6 in any governmental unit to which a system pertains, and the trea-

7 surer or other disbursing officer in charge of payrolls in any free
8 public library the employees of which are eligible for membership
9 in a system, shall, upon written notice from the board, withhold on
10 each pay day five per cent of the regular compensation of each
11 employee who is a member in service of the system, which is
12 received on such day by such member on account of service ren-
13 dered to him on or after January 1, 1946, and not later than the
14 date of his attaining the maximum age for his group, in the case of
15 an employee who entered the service of the commonwealth or a
16 political subdivision thereof prior to January 1, 1975; withhold on
17 each pay day seven per cent of the regular compensation of each
18 employee who is a member in service of the system, which is
19 received on such day by such member on account of service ren-
20 dered by him on or after January 1, 1975, and not later than the
21 date of his attaining the maximum age for his group, in the case of
22 an employee who entered the service of the commonwealth or a
23 political subdivision thereof on or after January 1, 1975, but prior
24 to January 1, 1984; and withhold on each pay day eight per cent of
25 the regular compensation of each employee who is a member in
26 service of the system, which is received on the day by the member
27 on account of service rendered by him on or after January 1, 1984,
28 and not later than the date of his attaining the maximum age for
29 his group in the case of an employee who entered the service of
30 the commonwealth or a political subdivision thereof on or after
31 January 1, 1984, but before July 1, 1996; and withhold on each
32 pay day nine per cent of the regular compensation of each
33 employee who is a member in service of the system, which is
34 received on such day by such member on account of service ren-
35 dered by him on or after July 1, 1996, and not later than the date
36 of his attaining the maximum age for his group in the case of an
37 employee who entered the service of the commonwealth or a
38 political subdivision thereof on or after July 1, 1996; and withhold
39 on each pay day twelve per cent of the regular compensation of
40 each employee who is a member of the state police appointed pur-
41 suant to section 10 of chapter 22C, and is a member in service of
42 the system, which is received on the day by the member on
43 account of service rendered by him on or after July 1, 1996, and
44 not later than the date of his attaining the maximum age for his
45 group, in the case of such employee who entered the service of the

46 state police on or after July 1, 1996; and withhold on each pay day
47 twelve per cent of the regular compensation of each employee
48 who is eligible to receive benefits provided for pursuant to sec-
49 tion 26A; and withhold on each pay day eleven per cent of the
50 regular compensation of each employee who participates in the
51 alternative superannuation retirement benefit program established
52 under subdivision (4) of section 5 on account of such service ren-
53 dered by him on or after July 1, 2001; provided, however, that in
54 the case of any teacher the withholding shall be made upon
55 written notice from the school committee or board of trustees or
56 other employing authority, to the treasurer or other disbursing
57 officer of the political subdivision by which such teacher is
58 employed;.

1 SECTION 3. Chapter 32 of the General Laws is hereby
2 amended by inserting after section twenty-six the following
3 section:—

4 Section 26A. (1) As used in this section, the following words
5 shall, unless the context otherwise requires, have the following
6 meanings:—

7 “Public Safety Officer” a probation officer; or general or trial
8 court officer; or a state corrections program officer; or a Univer-
9 sity of Massachusetts police officer; or an Alcoholic Beverages
10 Control Commission investigator; or a Bureau of Special Investi-
11 gations investigator; or a social worker employed by the Depart-
12 ment of Mental Health, Forensic Division.

13 (2) Any public safety officer employed as of the effective date
14 of this act shall be retired by the appropriate retirement board
15 upon his attaining age sixty-five; provided that any such public
16 safety officer who has performed service as a public safety officer
17 for not less than twenty years but including creditable service
18 granted by paragraph (h) of subdivision (1) of section four and
19 who has not attained the age of sixty-five may elect to retire pur-
20 suant to the provisions of this subdivision.

21 Any public safety officer employed after the effective date of
22 this act shall be retired by the appropriate retirement board upon
23 his attaining age sixty-five; provided that any such public safety
24 officer who has performed service as a public safety officer for no
25 less than twenty years but including creditable service granted by

26 paragraph (h) of subdivision (1) of section four and who has not
27 attained the age of sixty-five shall be retired pursuant to the provi-
28 sions of this subdivision.

29 (3) Upon retirement under the provisions of this subdivision, a
30 member shall receive a retirement allowance to become effective
31 on the date of his retirement. Payments under such retirement
32 allowance shall be made as provided for in sections twelve and
33 thirteen and the normal yearly amount thereof shall be equal to
34 sixty percent of the average annual rate of his regular compensa-
35 tion received by such member during any period of three consecu-
36 tive years of creditable service for which such rate of
37 compensation was the highest, or on the average annual rate of
38 regular compensation received by such member during the period
39 or periods, whether consecutive or not, is constituting his last
40 three years of creditable service preceding his retirement,
41 whichever is the greater, provided, that the total amount of the
42 allowance shall be increased by one-twelfth of three percent for
43 each full month of service in excess of twenty years of service;
44 provided, however, that such retirement allowance shall in no case
45 exceed seventy-five percent of such regular compensation. Any
46 such member retired under the provision of this subdivision who
47 is a veteran as defined in section one shall receive an additional
48 retirement allowance of fifteen dollars for each year of creditable
49 service or fraction thereof; provided, that the total amount of said
50 additional retirement allowance shall not exceed three hundred
51 dollars in any case.

52 (4) Any provision of sections one to twenty-eight, inclusive,
53 which are inconsistent with any provisions of this section, shall
54 not apply to any member so classified under this section; pro-
55 vided, however, that any member with less than twenty years of
56 creditable service as a public safety officer upon retirement shall
57 be retired in accordance with the provisions of paragraphs (a) and
58 (b) of subdivision (2) of section five of chapter 32, and subject to
59 the limitations set forth in paragraphs (c) and (d) of said subdivi-
60 sion (2), and shall be based on such member's age and number of
61 years and full months of creditable service on the date the retire-
62 ment allowance becomes effective.

63 (5) The actuary, acting under the provisions of paragraph (g) of
64 subdivision (3) of section twenty-one, shall require each board to

65 obtain certain information from each member eligible for the
66 retirement benefit under this section, including the name, date of
67 birth, prior contribution rate, date of hire and any other informa-
68 tion required by the actuary for the purposes of the report required
69 under said paragraph (g).

1 SECTION 4. Any member of a retirement system who meets
2 the definition of public safety officer as defined by section
3 twenty-six A of chapter thirty-two on the effective date of this act
4 may elect in writing to participate in the alternative public safety
5 retirement benefit provided under said section twenty-six A within
6 one hundred eighty days of the date this act takes effect. Any such
7 election shall become effective on the first day of pay period next
8 following such election, and shall constitute a waiver of any
9 retirement benefits provided under section five or section ten of
10 chapter thirty-two. Any member making such an election shall be
11 required to make a minimum of three years' of retirement contri-
12 butions at the rate of twelve percent; provided, however that if
13 said member chooses to retire before he has made said three years
14 of contributions at twelve percent, said member shall pay into the
15 annuity savings fund or have deducted from his retirement
16 allowance an amount equal to the contributions that would have
17 been made had such member remained in service for three years at
18 the rate of regular compensation from which he retired. The elec-
19 tion by an eligible member to participate in the alternative public
20 safety retirement benefit provided for under said section twenty-
21 six A shall be irrevocable.

1 SECTION 5. The additional contributions required under para-
2 graph (b½) of subdivision (1) of section 22 shall not apply to any
3 public safety officer as defined by section twenty-six A of said
4 chapter thirty-two.